

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2009-298-C - ORDER NO. 2009-559

AUGUST 12, 2009

IN RE: Petition of BellSouth Telecommunications,)	ORDER REVERSING
Inc. d/b/a AT&T South Carolina for Review)	NUMBERING
of Numbering Resources Determination in)	DETERMINATION
the Pickens Rate Center)	

This matter comes before the Public Service Commission of South Carolina (the “Commission”) on the Petition of BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina (“AT&T” or “Company”) for Review of a denial of its application for use of numbering resources in the 864 area code.

The Federal Communications Commission (“FCC”) has set a “rate center” basis for determining the need for new numbering resources. Under FCC rules and orders, carriers must establish that existing inventory within the carrier’s rate center will be exhausted within six months of their code application (“months-to-exhaust” or “MTE”), and the carriers must meet a rate center utilization threshold of 75 percent in order to receive additional numbering resources.

On or about July 8, 2009, according to AT&T, the Company submitted a Pooling Administration System request for numbering resources. The customer requested 4,000 consecutive telephone numbers but there are no available blocks in the pool to meet this request. Due to dialing restrictions, the customer also requested that the numbering

resources not contain a 0, 8 or 9 in the fourth position. In order to meet the customer's express request, AT&T South Carolina requested the assignment of a full NXX. According to AT&T, the Company's application was completed in accordance with Industry Numbering Committee's ("INC's") guidelines and AT&T filled out the necessary MTE Certification Worksheets. At the time of the filing of the code request, the Pickens Rate Center had a MTE of 7.684 months to 11.935 months for the relevant blocks and a utilization of 56.033%.

Thereafter, also on July 8, 2009, AT&T's request was denied because AT&T had not met the rate center based MTE criterion now set forth in the INC Guidelines. The Company notes that its request for numbering resources was denied despite the fact that AT&T does not have adequate numbering resources needed to satisfy its customer's demands in the Pickens Rate Center.

AT&T states that its inability to provide this customer with the requested numbering resources prevents AT&T from providing the quality of service this customer desires, needs, and expects. AT&T notes that if it is not assigned the numbering resources needed to meet the customer's request, AT&T will be unable to provide telecommunications services requested by the customer. Further, according to AT&T, the refusal to grant numbering resources sufficient to meet the customer's needs is inconsistent with the FCC's position that "[u]nder no circumstances should consumers be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources." *See* Second Report and Order, Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, and Second

Further Notice of Proposed Rulemaking in CC Docket No. 99-200, *Numbering Resource Optimization*, 16 FCC Rcd 306 at ¶61 (2000).

According to AT&T, both the FCC's rules and the INC Guidelines provide that state regulatory authorities have the power and authority to review a decision to deny a request for numbering resources. Prior to the FCC's Order and the resulting change in the INC Guidelines, the MTE procedures permitted a carrier to receive a code assignment, even if the MTE requirement at the switch level was not met. These waivers or exceptions were granted where customer hardships could be demonstrated or where the service provider's inventory did not have a block of sequential numbers large enough to meet the customer's specific request. Under today's procedures, numbering determinations are based on the MTE for the entire rate center without any exceptions. The FCC has determined, however, that states may grant relief "if a carrier demonstrates that it has received a customer request for numbering resources in a given rate center that it cannot meet with its current inventory." *See* Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, *Numbering Resource Optimization; etc.*, 17 FCC Rcd 252, ¶64 (2001). In addition, the FCC has ruled that, "States...may grant requests for customers seeking contiguous block of numbers." *Id.*

AT&T therefore requests that this Commission reverse the decision to withhold numbering resources from AT&T, noting that the decision interferes with AT&T's ability to provide telecommunication services to its customers as required under South Carolina law. AT&T further states that other state regulatory agencies in Alabama, Florida,

Georgia, Louisiana, North Carolina, and Tennessee similarly have recognized their jurisdiction and authority to review denials of requests for numbering resources and to order the release of numbering resources to AT&T to meet customer needs. Specifically, AT&T requests that this Commission reverse the decision to deny AT&T's request for additional numbering resources and direct NANPA and/or the PA (to the extent it is within the respective authority and responsibility of NANPA and/or the PA to do so) to assign AT&T an NXX in the Pickens exchange.

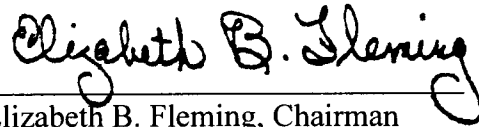
We agree with AT&T, and hereby reverse the numbering resource decision described herein. We hold that AT&T has demonstrated that it has received a customer request for numbering resources in a given rate center that AT&T cannot meet with its current inventory. NANPA and/or the PA are hereby directed to assign AT&T an NXX in the Pickens exchange as soon as possible. We believe that these additional numbering resources are necessary to meet the legitimate demands of AT&T's customer for telecommunications service.

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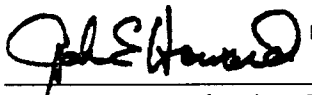
This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



Elizabeth B. Fleming, Chairman

ATTEST:



John E. Howard, Vice Chairman

(SEAL)